

EXHIBIT 13

Robbie Wright

From: Perryman, Brian <brian.perryman@faegredrinker.com>
Sent: Monday, April 28, 2025 1:26 PM
To: Ben Herbert; James P. Ellison
Cc: Bernick, Mike; Huguenard, Harris
Subject: RE: Empower Clinic Services v. Bio Filling Solutions

Ben,

Thanks for the productive discussion this afternoon. As discussed, we mutually agreed that no deposition will occur on May 2. I look forward to hearing back from you on the two possible compromises we discussed.

Brian Perryman

Partner

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+1 202 230 5225 direct / +1 703 868 3951 mobile

Faegre Drinker Biddle & Reath LLP

1500 K Street, N.W., Ste. 1100

Washington, DC 20005, USA

From: Ben Herbert <bherbert@millerbarondess.com>
Sent: Monday, April 28, 2025 1:14 PM
To: Perryman, Brian <brian.perryman@faegredrinker.com>; James P. Ellison <JEllison@hpm.com>
Cc: Bernick, Mike <mbernick@jw.com>; Huguenard, Harris <hhuguenard@jw.com>
Subject: RE: Empower Clinic Services v. Bio Filling Solutions

This Message originated outside your organization.

Brian,

Our emails crossed paths. That is fine with me. Feel free to call me on my cell: 202-441-5465.

- Ben

Ben Herbert

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[Biography](#)

 Please consider the environment – do you really need to print this email?

From: Perryman, Brian <brian.perryman@faegredrinker.com>

Sent: Monday, April 28, 2025 10:12 AM

To: James P. Ellison <JEllison@hpm.com>

Cc: Ben Herbert <bherbert@millerbarondess.com>

Subject: RE: Empower Clinic Services v. Bio Filling Solutions

Thank you, J.P.

Ben, I'll give your direct number a call in a few minutes if that's OK.

Brian Perryman

Partner

brian.perryman@faegredrinker.com

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From: James P. Ellison <JEllison@hpm.com>

Sent: Monday, April 28, 2025 1:10 PM

To: Perryman, Brian <brian.perryman@faegredrinker.com>

Cc: Ben Herbert <bherbert@millerbarondess.com>

Subject: RE: Empower Clinic Services v. Bio Filling Solutions

This Message originated outside your organization.

Brian,

As we discussed, Ben is copied and below is his contact information.

Ben Herbert

MILLER | BARONDESSLLP

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[Biography](#)

Best,

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hpm.com

From: Perryman, Brian <brian.perryman@faegredrinker.com>
Sent: Monday, April 28, 2025 8:17 AM
To: James P. Ellison <JEllison@hpm.com>
Subject: [EXTERNAL] Empower Clinic Services v. Bio Filling Solutions

CAUTION:



J.P.:

In my letter to you dated April 22, 2025, I requested that, although service of a subpoena on Libby Baney had not then occurred, if that was Empower's intention, then the parties should discuss the matter telephonically, per Local Rule 7(m). Rather than reaching out to discuss the matter, Empower purported to serve a subpoena for Ms. Baney's deposition to be held on May 2, 2025.

The subpoena was not served, actually or validly, on Ms. Baney. It was instead delivered to her child's *au pair*, at Ms. Baney's Virginia residence, on April 24, 2025. At the time of the purported service, Ms. Baney was not at home. This was invalid service. Rule 45 does not allow service of a subpoena merely by delivery to a witness's residence.

Ms. Baney will not appear at a deposition for which she was not personally served (and which is untimely anyway under the Texas court's operative scheduling order). To avoid imposing an additional undue burden on Ms. Baney, I ask that you please immediately confirm that the subpoena is withdrawn—and to discuss the matter with me as soon as possible, per Local Rule 7(m). Should Ms. Baney be forced to move to quash an invalid subpoena, she will reserve all rights to seek appropriate relief.

Brian Perryman

Partner

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